

BRAFMAN & ASSOCIATES, P.C.

ATTORNEYS AT LAW

767 THIRD AVENUE, 26TH FLOOR

NEW YORK, NEW YORK 10017

TELEPHONE: (212) 750-7800

FACSIMILE: (212) 750-3906

E-MAIL: BBRAFMAN@BRAFLAW.COM

BENJAMIN BRAFMAN

ANDREA ZELLAN

OSNAT LUPESKO-PERSKY

JOSHUA D. KIRSHNER

MARK M. BAKER
OF COUNSEL

MARC AGNIFILO
OF COUNSEL
ADMITTED IN N.Y. AND N.J.

May 21, 2013

VIA: MAIL

Mr. Stephen Engelberg
Editor in Chief
ProPublica
55 Broadway
New York, NY 10006

RE: MICHAEL VECCHIONE

Dear Mr. Engelberg:

We are both experienced defense attorneys who have known Michael Vecchione in a professional capacity and have worked with him and against him over the years. In our experience, Mr. Vecchione has always complied with the highest standards of prosecutorial responsibility, including the disclosure of evidence unfavorable to the prosecution and favorable to the defense. We were shocked therefore, to read of the attacks being made on Mr. Vecchione's professional judgment and actions.

We have reviewed the documents on which the allegations against Mr. Vecchione have been based and have come to the following important conclusion: These allegations are based largely on unproved claims made in an adversarial complaint. They have not yet been subjected to the full truth testing mechanisms of a judicial proceeding. Indeed Judge Frederick Block explicitly stated in his opinion, "The facts are drawn from Collins' complaint. The court must accept them as true [for purposes of a motion to dismiss] and draw all inferences in Collins' favor." This does not mean that the allegations made in Collins' complaint are in fact true and they remain to be tested in an adversarial proceeding. The allegations should not therefore be stated as proven facts or asserted as truthful.

BRAFMAN & ASSOCIATES, P.C.

We take very seriously the issue of prosecutorial misconduct and support efforts to reduce it. But allegations of prosecutorial misconduct, like claims of any other form of misconduct, must be first proved by reliable evidence and not assumed to be true based on self serving allegations. In our view, Mr. Vecchione has not been found to have committed any judicial misconduct and it would be wrong and defamatory at this time to state that he has been found to have done so.

Very Truly Yours,



Benjamin Brafman



Alan Dershowitz